

FEB 28 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William Schmidt

Serial No.: 10/708,123

Group Art Unit: 2872

Filed: 2/10/2004

Examiner: Alessandro V. Amari


For: Ellipsoid Vehicular Mirror

Attorney Docket No.: ML 0196 PUS

I hereby certify that this correspondence is being deposited with the United States Patent Office via facsimile to Examiner Alessandro V. Amari at (571) 273-8300 on

2/28/2006

(Date of Deposit)



(Signature)

AMENDMENT UNDER 37 CFR § 1.111

Box Non-Fee Amendment  
Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

This paper is in response to the First Office Action in the above-entitled application, mailed November 29, 2005. This response is timely as it is filed within the three month allotted period for response.

Double Patenting

The Examiner provisionally rejected Claim 11 on the grounds of nonstatutory obvious-type double patenting. A terminal disclaimer has been attached to remove this rejection.

Claim Rejections under 35 USC 102(b)

The Examiner rejected claims 11-13 and 15, 17, and 18 under 35 USC 102(b) as being anticipated by Schmidt et al. US 4,436,372 ('372 reference). The Examiner refers to Figure 4 and Column 4, lines 51-59 as support for asserting that the '372 reference teaches the dome lens comprising a major axis tip portion of an ellipsoid formed by dividing the ellipsoid

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across a major axis. The Applicant respectfully traverses and seeks reconsideration. The Applicant calls the Examiner's attention to the referenced Figure 4 of the '372 reference. The '372 mirror is formed by slicing the ellipsoid (see level of truncation dotted line) parallel to the major axis (designated as x) thereby slicing off the long-side of the ellipsoid and not the tip as claimed by Applicant (clearly defined by the present invention in paragraph 18 and the applications Figure 4, as splitting across the major axis – not parallel as in the '372). The Applicant calls the Examiners attention to the '372 Figure 4. The ellipsoid lines cross the x-axis at 4 units while cross the y-axis at 3.72 units. This undisputedly makes the x-axis the major axis, and the truncation line parallel and not across or perpendicular thereto. This is further supported by the specification of the '372 in the cited Column 4, lines 51-59. The Applicant, therefore asserts that the '372 fails to teach the limitations of claim 11 and therefore the rejection should be overturned.

In addition, with regards to claim 18, the Applicant traverses on additional grounds. The cited portion of the '372 reference (col 4, lines 19-32) does not teach the ellipsoid having a minor axis length less than half the major axis length. The cited dimensions of the col 4, lines 19-32 referenced are referring to the final mirror dimensions, not the ellipsoid from which it is derived. The ellipsoid dimensions and proportions taught in the '372 reference are contained in Col 4, lines 51-59 wherein it is clear that the minor axis is not contemplated to be less than half the major axis length. The Applicant submits that reconsideration is deserved.

**Claims rejected under 35 USC 103(a)**

The Examiner rejected claims 19-22 under 35 USC 103(a) as unpatentable over the '372 in view of Schmidt et al. (US 5,589,984) (the '984). The Applicant respectfully traverses this rejection and requests reconsideration in light of the aforementioned deficiencies in the underlying '372 based rejections. Furthermore, the cited reference portion of the '984 reference simply states that the '984 mirror may be mounted in one of two orientations to provide either a top-bottom field of view or a side-side field of view. The present invention claims a unique and novel mirror shape that in fact provides front-of-vehicle views and side-of vehicle views from a single mirror, mounted in a single orientation, and does so simultaneously. The limitations contained in claims 19-22 are not taught by the cited references either alone or in combination and therefore the rejections should be lifted.

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**CONCLUSION**

The Applicant would like to thank the Examiner for his assistance in prosecution and recognition of the allowable subject matter. In light of the above remarks, Applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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